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OFFICE OF PETITIONS

In re Patent No.: 6,869,772 :
Filing Date: March 22, 2005 : LETTER REGARDING PTA
Application No. 09/802,644 :
Filed: March 9, 2001 :
Atty. Dkt. No.: WSHU 2010.1 :

This letter is in response to the "LETTER REGARDING ERROR IN PATENT TERM ADJUSTMENT," filed May 5, 2005. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The correct Patent Term Adjustment ("PTA") at the time of the issuance of the patent is 41 days.

The above-identified identified application matured in to U.S. Pat. No. 6,869,772 on March 22, 2005. The patent issued with a PTA of 99 days. Patentees indicate that the adjustment accorded the patent is thought to be longer than appropriate. Patentees further indicate that the patent is entitled to an adjustment of 21 days.

A review of the application history reveals that an adjustment of 236 days can be attributed to the Office in accordance with 37 CFR 1.702(b) for failure to issue the patent within four months of receipt of the issue fee payment. In accordance with 37 CFR 1.703(b), the delay began July 30, 2004, the day after the date that is four months after the date the issue fee payment was received, ended March 22, 2005, the date of issuance of the patent. There were no further Office delays.

The adjustment of 236 days is reduced a total of 195 days, resulting in a PTA of zero. The reductions are as follows:

- Twelve (12) days in accordance with 37 CFR 1.704(c)(8) in connection with the petition filed June 11, 2002. The reduction began May 31, 2002, the day after the day a response to the restriction requirement was filed, and ended June 11, 2002, the day the petition was filed.

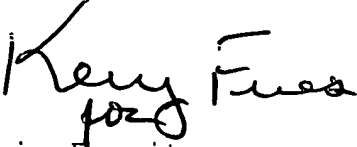
- Thirty (30) days in accordance with 37 CFR 1.704(b) in connection with the amendment submitted December 6, 2002. The reduction began November 7, 2002, the day after the date that is three months after the date the non-final Office action was mailed, and ended December 6, 2002, the date the amendment was filed.
- Thirty-three (33) days in accordance with 37 CFR 1.704(b) in connection with the Notice of Appeal filed July 7, 2003. The reduction began June 5, 2003, the day after the date that is three months after the date that the final Office action was mailed, and ended July 7, 2003, the date the Notice of Appeal was filed.
- One hundred and twenty (120) days, the maximum number of days allowed by law, in accordance with 37 CFR 1.704(c)(10) in connection with the declaration filed March 29, 2004.

Accordingly, at the time of issuance, the adjustment of 236 days is properly reduced 195 days resulting in an overall adjustment of 41 days.

As applicant is advising us of an error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application is being forwarded to the Certificate of Correction Branch for issuance of a certificate of correction to indicating that the above-identified patent has received an adjustment of 41 days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

A handwritten signature in black ink, appearing to read "Karin Ferriter". The signature is written in a cursive, flowing style with some loops and a long horizontal stroke at the end.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction